



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,174	07/26/2001	Jochen Burgdorf	AP9974/64098-878	7113

10291 7590 10/17/2003

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,174

Applicant(s)

BURGDORF ET AL.

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19,20,22-38 and 41-43 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19,20,22-38 and 41-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 29 September 2003 is: a) approved b) disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

Claim Objections

1. Claims 28-32, 41, 42, and 43 are objected to because of the following informalities:

- In line 2 of claim 28 “the at least one grooved-shaped indentations are” should be changed to --the at least one grooved-shaped indentation is -- to maintain consistent terminology. A similar change should be made to lines 2-3 of claim 42;
- In line 3 of claim 29 the “s” at the end of “portions” should be deleted from the phrase “at least one matingly configured fastening portions”;
- In line 2 of claim 30 the phrase “the two matingly configured fastening portions” should be changed to --the at least one matingly configured fastening portion-- to maintain consistent terminology or should be changed to --the at least one matingly configured fastening portion includes two matingly configured fastening portions—also in the last two lines of the claim “s” should be deleted from “indentations” in the phrase “the at least one groove-shaped indentations” also a --d-- should be added to “groove” to maintain consistent terminology. A similar change should be made to the last line of claim 41;
- In line 2 of claim 31 “the matingly configured fastening portion should be changed to --the at least one matingly configured fastening portion-- and “the groove-shaped indentation” should be changed to --the at least one grooved-shaped indentation-- to maintain consistent terminology;

Art Unit: 3683

- In line 2 of claim 32 “the matingly configured fastening portion should be changed to --the at least one matingly configured fastening portion-- to maintain consistent terminology;
- In line 20 of claim 43 the comma between “leg and “portion” should be deleted.

The list is not intended to be exhaustive.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19, 20, 2-38, and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 19, 41, 42, and 43. The phrases “said brake pad” and “the brake pad” first claimed in but not limited to lines 8 and 9 of claim 19 are indefinite. It is unclear to the Examiner as to which brake pad (first brake pad or second brake pad) Applicant intends to refer to.

Re: claim 19. The phrase “the carrier plate” in line 13 lacks proper antecedent basis since “a carrier plate portion” was previously claimed.

Re: claims 19, 42, and 43. The phrase “said (or the) friction lining” first claimed in but not limited to line 14 of claim 19 lacks proper antecedent basis since “a friction lining portion” was previously claimed.

Re: claim 19. The phrase "the first brake lining" in line 17 lacks proper antecedent basis in the claim.

Re: claim 19. The phrase "two actuating devices" in the last line of the claim is indefinite. It is unclear to the Examiner whether the two actuating devices intends to include or be different from the actuating device claimed in line 3 of the claim.

Re: claim 29. The phrase "the second leg" in the last line lacks proper antecedent basis.

Re: claim 41. The phrase "the first brake pad" in line 10 lacks proper antecedent basis.

Re: claim 41. The phrase "a second leg portion" in line 2 from the bottom of the claim is indefinite. It is unclear to the Examiner whether the second leg portion claimed in the second to last line of the claim is intended to be the same or different from that claimed in line 7 from the bottom of the claim.

Re: claim 42. The phrase "the first leg" first claimed in line 20 of the claim lacks proper antecedent basis.

Re: claim 42. The phrase "second leg portion" in line 3 from the bottom of the claim is indefinite. It is unclear to the Examiner whether the second leg portion claimed in the third to last line of the claim is intended to be the same or different from that claimed in line 8 from the bottom of the claim.

Re: claim 42. The phrase "an indentation" in line 12 is indefinite. It is unclear to the Examiner whether it is intended to be the same or different from the at least one groove-shaped indentation claimed earlier in the claim.

Re: claim 43. The phrase "the actuating devices" and "the first leg" in lines 12 and 21, respectively, lack proper antecedent basis.

The remaining claims are indefinite due to their dependency from one of claims 19 and 41-43.

Allowable Subject Matter

4. Claims 19, 20, 22-38, and 41-43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

5. Applicant's arguments filed 9/29/03 have been fully considered but they are not persuasive. Examiner notes that the claims have not been amended to overcome all 112 issues.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3683

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 10/15/03
mmb
October 15, 2003

M. C. Graham
10/16/2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310